



London N. Breed
Mayor

Christina A. Varner
Executive Director

DAVID GRUBER
PRESIDENT

DAVE CROW
JULIET HALEY
RICHARD HUNG
ASHLEY KLEIN
CATHY MOSBRUCKER
KENT QIAN
KION SAWNEY
ARTHUR TOM
DAVID WASSERMAN

**AMENDED MINUTES OF THE REGULAR MEETING OF
THE SAN FRANCISCO RESIDENTIAL RENT
STABILIZATION & ARBITRATION BOARD**

Tuesday, July 16, 2024
at 6:00 p.m.
25 Van Ness Avenue, Room 610
San Francisco, CA 94102

I. Call to Order

Vice President Mosbrucker called the meeting to order at 6:10 p.m.

II. Reading of Ramaytush Ohlone Land Acknowledgment

Commissioner Sawney read the Ramaytush Ohlone Land Acknowledgement.

III. Roll Call

Commissioners Present: Crow; Haley; Hung; Mosbrucker; Qian; Sawney; Wasserman.

Commissioners Not Present: Gruber; Klein; Tom.

Staff Present: Koomas; Texidor; Van Spronsen; Varner.

IV. Remarks from the Public

A. Pae Yeung, the landlord at 1324 40th Avenue, Unit 1/2 (AL240030), said that she described in her appeal how she tried to quickly make repairs since 2019. She said that the tenant complained that she did not pay the contractor well enough, but in her opinion, as long as the contractor made the repairs it did not matter the cost. The landlord said that she did not want to hire a big, more expensive company that costs more because she already had a contractor who could do the job. She said that she fixed the window but then the tenant damaged it again, and she told the inspector that

♻️ Printed on 100% post-consumer recycled paper

she decided to replace the window instead of repairing it so that if he damaged it again, the tenant would have to cover the cost of replacement as stated in the lease.

- B. Sanyog Shitole, the tenant at 1324 40th Avenue, Unit 1/2 (AL240030), said that the landlord is making unsupported, ridiculous allegations to avoid being held responsible by the Rent Board and appropriate authorities. He questioned why a tenant would battle for 3-5 years with repeated follow-up just to damage things again. He said that the process of dealing with the Department of Building inspection (DBI) and submitting evidence took time away from his professional and personal life.

V. Approval of the Minutes

MSC: To approve the second amended minutes of May 14, 2024.
(Wasserman/Sawney: 7-0)

MSC: To approve the minutes of June 11, 2024.
(Wasserman/Qian: 7-0)

VI. Consideration of Appeals

- A. 1300 Irving Street, Unit 8

AT240031

The tenant submitted her appeal 3 days late because the tenant did not receive the dismissal until 4 days after it was mailed, her disability requires that she have a caretaker help with outgoing mailings, and the caretaker mailed the appeal on June 15, 2024, within 15 days of the date of the dismissal.

MSC: To find good cause for the late filing of the appeal.
(Qian/Wasserman: 4-0)

The tenant untimely appeals the dismissal of the tenant's claim for decreased housing services. The Administrative Law Judge (ALJ) dismissed the tenant's petition for decreased housing services for the tenant's failure to appear at a scheduled remote mediation session. In the appeal, the tenant claims that she requested a postponement by leaving a voicemail with Rent Board Staff.

MSC: To accept the appeal and remand the case for a new hearing. Should the tenant again fail to appear, absent extraordinary circumstances, no further hearings will be scheduled.

(Qian/Wasserman: 4-0)

- B. 1324 – 40th Avenue, Unit 1/2

AL240030

The landlord appeals the decision granting in part the tenant's claims for decreased housing services and failure to repair and maintain. In the Technical Correction to the Decision, the ALJ found the landlord liable to the tenant for \$14,905.00 for the malfunctioning bathroom window, lack of heating, rodents, malfunctioning corridor light

fixtures, detached shower wall tiles, and kitchen sink leak, but denied the tenant's other claims. In the appeal, the landlord alleges that the tenant provided false testimony at the hearing and did not allow the landlord to enter the unit to perform repairs, and that the landlord was prohibited from testifying.

MSC: To deny the appeal.
(Qian/Wasserman: 4-0)

IV. Remarks from the Public (cont.)

- A. Sanyog Shitole, the tenant at 1324 40th Avenue, Unit 1/2 (AL240030), said he was thankful that an impartial organization exists that tries to protect the rights of tenants and landlords, and also serves as an impartial arbitrator to make sure that the rights on both sides are protected. He said that at the hearing stage, there was a gap in time between his two hearings and requested data regarding hearing and mediation scheduling timelines. He asked the Commission to consider introducing a metric accounting for timeliness in the entire process.
- B. Pae Yeung, the landlord at 1324 40th Avenue, Unit 1/2 (AL240030), said that she did not understand how the process works, as the tenant requested repairs but in 2022 and August 2023 did not allow the inspector or contractor access to the unit despite her multiple attempts to communicate with him, and she is somehow responsible, which is not fair. The landlord said that the tenant is a dishonest person, and the day before yesterday he said that he wanted to hurt her so she told him she would hire an attorney. She said that the tenant ultimately does not want to pay the rent.

VII. Communications

In addition to correspondence concerning cases on the calendar, the Commissioners received the following communications:

- A. News articles from SF Chronicle and Mission Local.
- B. Proposed Amendments to Rules and Regulations Section 10.15 (Draft 1) Tenant Financial Hardship Applications regarding General Obligation Bond Passthroughs.
- C. Departmental workload statistics for May 2024.

VIII. Director's Report

Director Varner said that the Rent Board welcomed one new employee on July 15 and expected to welcome another the next week. She told the Commissioners that they will meet the new employees at the August board meeting. Director Varner also told the Commissioners that Aaron Morrison, who has been with the Rent Board for over 10 years as a counselor and an analyst in the Public Information Unit (PIU) and previously worked for the Eviction Defense Collaborative, has been promoted to second co-supervisor of the PIU along with Jennifer Rakowski. Director Varner said that the PIU is a sizeable unit that is the public face of the organization, and the Rent Board is thrilled to have the staffing they desperately need since the

former co-supervisor moved into the Hearings Unit this past January. With regard to the Rent Board fee, Director Varner said that 2024 Rent Board fee collection is at 90% as they are in the tail end of a successful delinquency noticing period. She said that the Inventory and Fee team continues to refine the data, and the Rent Board has now surpassed 2023 collection levels in both dollar amount and the number of assessed parcels. Director Varner told the Commissioners that once the 30-day delinquency period has ended, the unpaid obligations will be referred to the City's Bureau of Delinquent Revenue. With regard to the Housing Inventory, she said that 18,197 parcels have reported for a total of 104,453 reports with 89,790 licenses generated. Director Varner said that the Rent Board has issued approximately 1,700 fewer licenses this cycle than in the 2023 cycle, and the reporting amount was significantly below the approximately 220,000 number of units expected to be reported on, with about 170,000 of these not being owner-occupied. She said that the Rent Board is investigating ways to increase reporting, including via outreach and through new messaging in the Rent Board Portal itself. With regard to outreach, Director Varner said that staff members Max Garcia, Abe Jue and Aaron Morrison presented to the Homeless Advocacy Project staff on July 10, discussing various Rent Board topics. She said that on July 25, Rent Board staff will provide a presentation to staff at Self-Help for the Elderly. She said that on August 3, the Rent Board will participate in the Office of the Assessor-Recorder's Family Wealth Forum on Building Intergenerational Wealth at City College. Director Varner provided an update on legislation, telling the Commissioners that Supervisor Melgar's Board of Supervisors File No. 231224, which would amend the Housing Code to authorize occupants of residential dwelling units to sue a property owner for substandard housing conditions as defined in Housing Code Section 1001, if the conditions pose a substantial risk to the occupants' health and safety, is still at Land Use. She said that on July 16 Supervisor Melgar requested this matter remain active for an additional six months until January 16, 2025. Director Varner said that relevant to the recent June 10 Rent Ordinance amendments regarding general obligation bond passthroughs that became effective on July 1, the Commissioners received a proposed draft of amendments to Rent Board Rules and Regulations Section 10.15, for discussion as New Business Item A.

IX. Old Business

There was no Old Business.

X. New Business

A. Proposed Amendments to Rules and Regulations Section 10.15 Tenant Financial Hardship Applications regarding General Obligation Bond Passthroughs

At the Board's June 11, 2024, meeting, staff agreed to draft amendments to Rules and Regulations Section 10.15 to conform to recent legislative amendments to Rent Ordinance Section 37.3 and allow tenants to seek relief from payment of an entire General Obligation Bond Passthrough based on financial hardship. Draft 1 of the proposed draft amendments was provided to the Commissioners by Rent Board staff. Senior Administrative Law Judge Koomas told the Commissioners that the proposed draft amendments to Rules and Regulations Section 10.15 deleted one sentence that previously limited tenant hardship relief to a certain portion of a General Obligation

Bond Passthrough. At the conclusion of the discussion, the commissioners made and voted upon the following motion:

MSC: To move out to public hearing the current draft version of the proposed amendments to Rules and Regulations Section 10.15 – Draft 1.
(Wasserman/Sawney: 7-0)

XI. Calendar Items

August 13, 2024 – regular in-person meeting at 25 Van Ness Ave, Room 610.

A. Consideration of Appeals

a. 2 appeal considerations

Reader of the Ramaytush Ohlone Land Acknowledgement – Commissioner Wasserman.

B. New Business

a. Public Hearing regarding Proposed Amendments to Rules and Regulations Section 10.15 Tenant Financial Hardship Applications regarding General Obligation Bond Passthroughs

XII. Adjournment

Vice President Mosbrucker adjourned the meeting at 6:43 p.m.